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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jay D. Kranzler et al.
Serial No.: 10/028,547
Filed: December 19, 2001
Title: METHODS OF TREATING FIBROMYALGIA, CHRONIC FATIGUE SYNDROME AND PAIN

Examiner: Rebecca Cook

Group Art Unit: 1614

Docket: 1666.003US1

Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Beth
1-22-03

In response to the Office Action mailed on August 27, 2002, please amend the above-identified patent application as follows.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a one-month extension of the period for responding to the Office action, thereby moving the deadline for response from November 27, 2002, to December 27, 2002.

IN THE CLAIMS

Please substitute the claim set in the appendix entitled Clean Version of Pending Claims for the previously pending claim set. The substitute claim set is intended to reflect amendment of previously pending claims 1, 5, and 6, and addition of new claims 26-30. The specific amendments to individual claims are detailed in the following marked up set of claims.

1. (Once amended) A method of treating fibromyalgia syndrome (FMS), [and/or] physiological symptoms associated therewith in an animal subject, or a combination thereof, the method comprising administering to an animal subject suffering from FMS, an effective amount of milnacipran, or a pharmaceutically acceptable salt thereof.

5. (Once amended) The method according to claim 1, wherein the compound is adjunctively administered with an antidepressant, analgesic, muscle relaxant, anorectic, stimulant, antiepileptic drug, sedative, hypnotic, or a combination thereof [antidepressants, analgesics, muscle relaxants, anorectics, stimulants, antiepileptic drugs, sedatives, or hypnotics].